

House File 525 - Reprinted

HOUSE FILE 525

BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 117)

(As Amended and Passed by the House March 11, 2011)

A BILL FOR

1 An Act relating to public employee collective bargaining
2 agreements and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 20.3, Code 2011, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 1A. "*Bargaining unit*" means only those
4 employees in a particular class of employees who have not
5 declared themselves a free agent employee.

6 NEW SUBSECTION. 4A. "*Free agent employee*" means a public
7 employee who has signed a release declaring that the employee
8 rejects representation by an employee organization and that the
9 employee understands that signing the release waives any claim
10 or right to representation by that employee organization.

11 Sec. 2. Section 20.8, Code 2011, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 5. Declare themselves a free agent
14 employee.

15 Sec. 3. Section 20.9, Code 2011, is amended to read as
16 follows:

17 **20.9 Scope of negotiations.**

18 1. The public employer and the employee organization
19 shall meet at reasonable times, including meetings reasonably
20 in advance of the public employer's budget-making process,
21 to negotiate in good faith with respect to wages, hours,
22 vacations, insurance, holidays, leaves of absence, shift
23 differentials, overtime compensation, supplemental pay,
24 seniority, transfer procedures, job classifications, health and
25 safety matters, evaluation procedures, ~~procedures for staff~~
26 ~~reduction~~, in-service training, and other matters mutually
27 agreed upon. Negotiations shall also include terms authorizing
28 dues checkoff for members of the employee organization and
29 grievance procedures for resolving any questions arising under
30 the agreement, which shall be embodied in a written agreement
31 and signed by the parties. If an agreement provides for dues
32 checkoff, a member's dues may be checked off only upon the
33 member's written request and the member may terminate the dues
34 checkoff at any time by giving thirty days' written notice.
35 Such obligation to negotiate in good faith does not compel

1 either party to agree to a proposal or make a concession. A
 2 collective bargaining agreement entered into pursuant to this
 3 chapter shall include a requirement that a public employee who
 4 is covered by the collective bargaining agreement and is a
 5 member of a group health insurance plan for public employees
 6 established under chapter 509A pay at least one hundred dollars
 7 per month of the total premium for such health plan.

8 2. Nothing in this section shall diminish the authority
 9 and power of the department of administrative services, board
 10 of regents' merit system, Iowa public broadcasting board's
 11 merit system, or any civil service commission established by
 12 constitutional provision, statute, charter, or special act to
 13 recruit employees, ; prepare, conduct, and grade examinations, ;
 14 or rate candidates in order of their relative scores for
 15 certification for appointment or promotion or for other matters
 16 of classification, reclassification, or appeal rights in the
 17 classified service of the public employer served.

18 3. ~~All retirement systems~~ The following subjects shall be
 19 excluded from the scope of negotiations: :

20 a. All retirement systems.

21 b. Restrictions or limitations on outsourcing, except for
 22 the purpose of precluding the hiring of illegal immigrants by
 23 the public employer.

24 c. Any restriction on the right of a public employer to
 25 consider any factor which the employer may lawfully consider
 26 in a layoff.

27 Sec. 4. Section 20.10, subsection 2, Code 2011, is amended
 28 by adding the following new paragraph:

29 NEW PARAGRAPH. *i.* Coerce, threaten, or otherwise induce
 30 an employee or potential employee into signing a release to
 31 declare themselves a free agent employee.

32 Sec. 5. Section 20.10, subsection 3, Code 2011, is amended
 33 by adding the following new paragraph:

34 NEW PARAGRAPH. *j.* Coerce, threaten, or otherwise prevent
 35 an employee or potential employee from signing a release to

1 declare themselves a free agent employee.

2 Sec. 6. Section 20.22, subsections 3, 6, 7, 9, 10, and 11,
3 Code 2011, are amended to read as follows:

4 3. The submission of the impasse items to the arbitrator
5 shall be limited to those items upon which the parties have not
6 reached agreement. ~~With~~ However, with respect to each such
7 item, the arbitrator's award shall not be restricted to the
8 final offers on each impasse item submitted by the parties to
9 the arbitrator.

10 6. From the time the board notifies the arbitrator of the
11 selection of the arbitrator until such time as the arbitrator's
12 ~~selection~~ decision on each impasse item is made, there shall be
13 no discussion concerning recommendations for settlement of the
14 dispute by the arbitrator with parties other than those who are
15 direct parties to the dispute.

16 7. The arbitrator shall consider, and may consider
17 additional information presented by either party, in addition
18 to any other relevant factors, the following factors:

19 ~~a. Past collective bargaining contracts between the parties~~
20 ~~including the bargaining that led up to such contracts.~~

21 ~~b.~~ a. Comparison of wages, benefits, hours, and conditions
22 of employment of the involved public employees with those
23 of other public employees, including public employees not
24 represented by an employee organization, and with private
25 sector employees doing comparable work, giving consideration to
26 factors peculiar to the area and the classifications involved.
27 In considering this comparison, the arbitrator shall strive to
28 maintain parity in wages, benefits, hours, and conditions of
29 employment between the public sector and the private sector
30 for comparable types of work, and shall give consideration to
31 similar and equitable economic conditions where applicable.

32 ~~c.~~ b. The interests and welfare of the public, the ability
33 of the public employer to finance economic adjustments without
34 raising any tax, and the effect of such adjustments on the
35 normal standard of services.

1 ~~d. The power of the public employer to levy taxes and~~
2 ~~appropriate funds for the conduct of its operations.~~

3 c. Efficiency of the public employer in its ability to carry
4 out any of its functions.

5 9. The arbitrator shall ~~select~~ render a decision within
6 fifteen days after the hearing ~~the most reasonable offer, in~~
7 ~~the arbitrator's judgment, of the final offers on~~ consisting
8 of final terms for each impasse item submitted by the parties.
9 The arbitrator may select one of the final offers on each
10 impasse item submitted by the parties or the arbitrator may
11 make an award which does not go beyond the terms of a final
12 offer for any impasse item submitted by the parties.

13 10. The ~~selections~~ decisions by the arbitrator and
14 items agreed upon by the public employer and the employee
15 organization, shall be deemed to be the collective bargaining
16 agreement between the parties.

17 11. The ~~determination~~ decisions of the arbitrator shall be
18 final and binding subject to the provisions of section 20.17,
19 subsection 6. The arbitrator shall give written explanation
20 for the arbitrator's ~~selections~~ decision regarding the final
21 terms for each impasse item and inform the parties of the
22 decision.

23 Sec. 7. APPLICABILITY. This Act applies to collective
24 bargaining agreements entered into on or after the effective
25 date of this Act.